

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DOMENICO PRATICO,
Plaintiff,

CIVIL ACTION

v.

PHILLIP GIANNOPOULOS,
Defendant.

NO. 24-2212

ORDER

AND NOW, this 9th day of July, 2024, upon receipt of Plaintiff Dr. Domenico Praticò's Second Amended Complaint (ECF No. 20), Defendant Dr. Phillip Giannopoulos's Motion to Dismiss (ECF No. 12) is **HEREBY DENIED AS MOOT**.¹

BY THE COURT:

/s/Wendy Beetlestone, J.

WENDY BEETLESTONE, J.

¹ According to Dr. Giannopoulos's Notice of Removal, Dr. Praticò amended his complaint prior to this case's removal to federal court (ECF No. 1 at 1). Although the pleading that Plaintiff has filed thus is his Second Amended Complaint against Defendant, it is the first amendment that he has filed in federal court. Pursuant to Rule 15 of the Federal Rules of Civil Procedure, then, he may amend that pleading as a matter of course. *See Thomason v. Norman E. Lehrer, P.C.*, 182 F.R.D. 121, 128 n.2 (D.N.J. 1998); *cf. Taylor v. Bailey Tool Mfg. Co.*, 744 F.3d 944, 946 (5th Cir. 2014) ("The Federal Rules of Civil Procedure . . . do not provide for retroactive application to the procedural aspects of a case that occurred in state court prior to removal to federal court.").